

# PUBLIC NOTICE

Notice to Water Users  
(Pursuant to Section 85-2-307, MCA)  
The following application has been submitted to change a water right in the State of Montana.

THE DEPARTMENT OF NATURAL RESOURCES AND CONSERVATION PROPOSES TO GRANT AN APPLICATION TO CHANGE A WATER RIGHT. DESCRIBED BELOW ARE THE PERTINENT FACTS WHICH SUMMARIZE THE APPLICATION. THE PRELIMINARY DETERMINATION (PD) DOCUMENTING THE FINDINGS OF FACT AND CONCLUSIONS OF LAW AND ANY CONDITIONS ATTACHED TO THE WATER RIGHT ARE AVAILABLE ON THE INTERNET AT <http://www.dnrc.mt.gov/wrd/>.

**OBJECTION DEADLINE: JULY 24, 2015.** THE DEPARTMENT CAN ONLY ACCEPT OBJECTIONS FILED ON AN OBJECTION TO APPLICATION, FORM 611. MAIL THE COMPLETED FORM AND THE \$25.00 FILING FEE TO THE DNRC, PO BOX 201601, HELENA, MT 59620-1601 BY THE DEADLINE SPECIFIED. THE FORM IS AVAILABLE ON THE DEPARTMENT'S WEBSITE.

DIRECT ANY QUESTIONS PERTAINING TO THE APPLICATION, TO OBTAIN THE PD OR OBJECTION FORM TO THE WATER RESOURCES OFFICE AT 2705 SPURGIN RD, BLDG C, PO BOX 5004, MISSOULA, MT 59804-5004 FAX: 406-542-5899 PHONE: 406-721-4284.

<u>Application Number :</u>	76H 30066973
<u>Applicant :</u>	KAREN A HOLCOMB 365 BLUE HERON LN MISSOULA, MT 59804  HOWARD J HICKINGBOTHAM 8105 TORTUGA RANCH RD MISSOULA, MT 59804  MARY RUTH HAVICAN 365 BLUE HERON LN MISSOULA, MT 59804  SANDRA B HICKINGBOTHAM 8105 TORTUGA RANCH RD MISSOULA, MT 59804  BRUCE B BARRETT 330 BLUE HERON LN MISSOULA, MT 59801

**WATER RIGHT NUMBER(S) BEING CHANGED**

Water Right Type	Water Right Number	Priority Date
STATEMENT OF CLAIM	76H 30043235	DECEMBER 31, 1871
Historical Flow Rate: 269.84 GPM	Historical Consumptive Volume: 20.25 AC-FT	Historical Diverted Volume: 131.99 AC-FT
STATEMENT OF CLAIM	76H 30043236	DECEMBER 31, 1871
Historical Flow Rate: 248.75 GPM	Historical Consumptive Volume: 19.63 AC-FT	Historical Diverted Volume: 121.95 AC-FT
STATEMENT OF CLAIM	76H 30043240	DECEMBER 31, 1871
Historical Flow Rate: 16.27 GPM	Historical Consumptive Volume: 1.25 AC-FT	Historical Diverted Volume: 7.72 AC-FT

**PAST USE OF WATER**

HISTORICALLY 1.19CFS UP TO 261.66 AF WAS DIVERTED FROM O'BRIEN CREEK FOR IRRIGATION OF A COMBINED TOTAL OF 33.9 ACRES IN THE SE AND E2SE OF SECTION 27, T13N, R20W, MISSOULA COUNTY. WATER WAS DIVERTED USING A HEADGATE AND DITCH SYSTEM FOR FLOOD IRRIGATION OF A COMBINED 16.8 ACRES AND A PUMP AND SPRINKLER SYSTEM TO IRRIGATE 17 ACRES. WATER WAS DIVERTED FROM MAY 1 TO SEPTEMBER 24 ANNUALLY.

**PROPOSED CHANGE**

THIS APPLICATION PROPOSES TO TEMPORARILY CHANGE FOR 10 YEARS THE PURPOSE AND PLACE OF USE FROM IRRIGATION TO INSTREAM FLOW FOR FISHERIES IN O'BRIEN CREEK. THE HISTORIC FLOW RATE AND DIVERTED VOLUME OF 1.19 CFS AND 261.66 AF WILL BE PROTECTED AT THE ORIGINAL HEADGATE LOCATED IN THE SWSWSE SEC 27 T13N R20W FROM MAY 1 TO SEPTEMBER 24 ANNUALLY. THE HISTORIC FLOW RATE AND CONSUMED VOLUME OF 1.19 CFS AND 41.13 AF WILL BE PROTECTED IN A REACH OF O'BRIEN CREEK FROM THE HEADGATE TO THE CONFLUENCE WITH THE BITTERROOT RIVER. THE PROTECTED REACH IS 0.4 MILES LOCATED IN THE S2SE SEC 27, T13N, R20W, FROM MAY 1 TO SEPTEMBER 24 ANNUALLY.

**PUBLISHED IN:** MISSOULIAN ON JUNE 10, 2015.